



CANNON BUILDING
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STATE OF DELAWARE
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DIVISION OF PROFESSIONAL REGULATION

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PUBLIC MEETING MINUTES:

COUNCIL ON REAL ESTATE APPRAISERS – Emergency Meeting

MEETING DATE AND TIME:

Tuesday, June 14, 2011 at 9:30 a.m.

PLACE:

861 Silver Lake Boulevard, Dover, Delaware
Conference Room A, 2nd floor of the Cannon Building

MINUTES APPROVED:

[July 19, 2011](#)

Members Present

William Diveley, Chair, Professional Member
Gary V. Parker, Vice Chair, Professional Member
Stephen Huston, Professional Member
Brad Levering, Professional Member
Richard Wheeler, Public Member
Frank Long, Public Member

Division Staff/Deputy Attorney General

Patricia Davis-Oliva, Deputy Attorney General
Nicole Williams, Administrative Specialist II

Members Absent

Frank Smith, Public Member
Yvonne Rickards, Public Banking Member
Ronald Mandato, Professional Member

Others Present

None

Call to Order

Mr. Diveley called the meeting to order at 9:35 a.m.

Discussion of House Bill 152

Ms. Davis-Oliva stated to the Council that the Council had established regulations for licensing assessors due to past legislation. The assessors were to pass certain courses in order to become licensed. The goal was to have Section 14(e) struck completely but

that did not happen. While the bill was in committee it was tabled and the legislators requested that the Council and the assessors come to a solution. The Council needs to discuss this bill and assessor regulations overall as to where the Council stands.

Mr. Parker stated that he spoke to a couple of assessors that stated they do not want to be licensed as they feel that they are not appraising. Mr. Parker stated that assessing is essentially appraising and needs to be regulated but not to the same standards as appraisers. The assessors have 3 years to obtain 90 classroom hours of qualifying education and have to have at least an associate's degree or 2 years experience. A certified general appraiser has to have 300 classroom hours and can appraise any type of property therefore the assessor requirement requested is only a third of the certified general requirement. The Council is not attempting to make assessors into appraisers but merely provide them minimal standards to be regulated by the council. It was suggested that the Council table the bill until the assessors and the Council could come to an agreement on standards for regulation of assessors. The Council needs to ensure that those working for the counties are qualified and regulated to some standard. The assessors need to be licensed and the three year time frame is very liberal in getting the standards to become licensed.

Mr. Wheeler questioned if an assessor did the assessment and the homeowner did not agree with the appraisal and hired an appraiser to do the appraisal and the appraiser came up with different numbers due to be not being qualified to perform the appraisal would that not make it a free for all to contest the assessment? Mr. Parker stated that if the assessment was not satisfactory then the assessment would be heard by way of a hearing prima face in court and still if the consumer is not satisfied he or she could appeal to Superior Court. Ms. Davis-Oliva stated that the assessor would state clearly that they are not qualified to perform an appraisal therefore they are not performing an appraisal but rather an assessment where they plug in a set of numbers into a computer system and then get a numerical reading back. Mr. Parker further stated that assessments are suspended in time because of the last assessment done back in 1974 is still the basis for the assessments being done currently. The Council further discussed.

Ms. Davis-Oliva stated that the assessor's position is that since the assessor is not performing any appraisal work but rather taking a set of numbers and plugging into a system to return a number is not appraising and that having to take courses is too stringent. Additionally assessors are against the Council's standard that they as assessors have to be USPAP compliant. Mr. Parker advised that there is jurisdictional exception where a mass appraisal system is utilized and the degree of error is so small that you would not have a free for all coming to attest their assessment. Mr. Levering inquired if they assessors are stating that they appraise or come up with a value and Ms. Davis-Oliva states that the assessors are not appraising but rather putting in a set of numbers from 1974 or from whatever year the last assessment was done and imputing those numbers into a computer system that in turns provides an assessment number. Ms. Warren addressed the Council and stated that she is thankful to hear that Mr. Harry Godwin from Sussex County did provide some feedback on the Council's proposed bill and regulations. The Council further discussed.

Ms. Davis-Oliva stated that the assessors are opposing because they feel that the education and USPAP compliance is overly cumbersome for the assessors. Ms. Warren

stated that there is a grandfathering provision usually when there are new regulations established and put into place and wanted the Council to establish some type of grandfathering clause to allow for those already assessing to be grandfathered and those new to comply with the new regulations. The Council opposed developing that type of clause as there was no grandfathering clause for appraisers when the Appraisal Qualifications Board (AQB) changed their regulations in 2008 for appraisers to become licensed or certified. Mr. Parker stated again that the current bill needs to be thrown out as it does not allow the assessors to ever comply with the regulations for assessors. Mr. Huston stated that this assessor law to regulate assessors has been in effect for many years now and it is time to move forward with compliance. Ms. Warren stated that the Council can maintain certain stipulations in their grandfathering clause in the regulations. Mr. Parker stated that he feels the assessors should not be under the same continuing education standards as appraisers. Mr. Levering stated that he would like to make a motion to oppose the proposed bill HB 152, seconded by Mr. Huston. Mr. Parker stated that the motion needs to be amended. Mr. Levering amended the motion to oppose HB 152 as regulations needed to be established to regulate assessors and as mandated by the Real Estate Sunset Committee in 2005, seconded by Mr. Diveley. Motion carried unanimously.

Ms. Davis-Oliva inquired if the next bill proposed was to strike section 14(e) all together how the Council would feel on that issue. Mr. Huston stated that he felt it would be detrimental given the situations that have already occurred with past assessments. Mr. Levering made a motion to stay with their current position to leave section 14(e) in the statute as is currently stands, seconded by Mr. Huston. Motion carried unanimously. Ms. Warren stated to the Council that a Sunset Committee meeting is scheduled for tomorrow at 12:30 p.m. at Legislative Hall.

Other Business before the Council (for discussion only)

There was no other business before the Council.

Public Comment

There was no public comment.

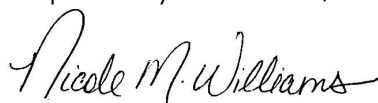
Next Meeting

The next meeting is scheduled for July 19, 2011 at 9:30 a.m. in Conference Room A second floor, Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

Adjournment

Mr. Huston made a motion, seconded by Mr. Diveley to adjourn the meeting. There being no further business before the Council, the meeting adjourned at 10:21 a.m.

Respectfully submitted,



Nicole M. Williams
Administrative Specialist II